

Article - Tax - General

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§13–804.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Account” means:

1. any funds from a demand deposit account, checking account, negotiable order of withdrawal account, savings account, time deposit account, money market mutual fund account, or certificate of deposit account;

2. any funds paid towards the purchase of shares or other interest in a financial institution, as defined in paragraph (4)(ii) and (iii) of this subsection; and

3. any funds or property held by a financial institution, as defined in paragraph (4)(iv) of this subsection.

(ii) “Account” does not include:

1. an account or portion of an account to which an obligor does not have access due to the pledge of the funds as security for a loan or other obligation;

2. funds or property deposited to an account after the time that the financial institution initially attaches the account;

3. an account or portion of an account to which the financial institution has a present right to exercise a right of setoff;

4. an account or portion of an account that has an account holder of interest named as an owner on the account; or

5. an account or portion of an account to which the obligor does not have an unconditional right of access.

(3) “Account holder of interest” means any person, other than the obligor, who asserts an ownership interest in an account.

(4) “Financial institution” means:

(i) a depository institution, as defined in the Federal Deposit Insurance Act under 12 U.S.C. § 1813(c);

(ii) a federal credit union or State credit union, as defined in the Federal Credit Union Act under 12 U.S.C. § 1752;

(iii) a State credit union regulated under Title 6 of the Financial Institutions Article; or

(iv) a benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity doing business in the State that holds property or maintains accounts reflecting property belonging to others.

(5) “Obligor” means a person whose property is subject to a tax lien.

(b) The Comptroller may request from a financial institution information and assistance to enable the Comptroller to enforce the tax laws of the State.

(c) (1) The Comptroller may request not more than four times a year from a financial institution the information set forth in subsection (d)(2) of this section concerning any obligor who is delinquent in the payment of taxes.

(2) A request for information by the Comptroller under paragraph (1) of this subsection shall:

(i) contain:

1. the full name of the obligor and any other names known to be used by the obligor; and

2. the Social Security number or other taxpayer identification number of the obligor; and

(ii) be transmitted to the financial institution in an electronic format unless the financial institution specifically asks the Comptroller to submit the request in writing.

(d) (1) Within 30 days after a financial institution receives a request for information under subsection (c) of this section, the financial institution shall, with respect to each obligor whose name the Comptroller submitted to the financial institution, submit a report to the Comptroller.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the report described in paragraph (1) of this subsection shall contain, to the extent reflected in the records of the financial institution:

1. the full name of the obligor;
2. the address of the obligor;
3. the Social Security number or other taxpayer identification number of the obligor;
4. any other identifying information needed to ensure positive identification of the obligor; and
5. for each account of the obligor, the obligor's account number and balance.

(ii) For a financial institution that submits reports through the Federal Parent Locator Service under 42 U.S.C. § 666(a)(17), the report described in paragraph (1) of this subsection may contain information that meets the specifications required for financial data match reports under the Federal Parent Locator Service.

(3) A report submitted under paragraph (1) of this subsection shall be provided to the Comptroller in machine-readable form.

(4) The Comptroller shall pay the financial institution a reasonable fee, not to exceed the actual costs incurred by the financial institution to comply with the requirements of this section, less any fees received from other units of the State for the same report.

(5) The Comptroller may institute civil proceedings to enforce this section.

(e) A financial institution that complies with a request from the Comptroller by submitting a report to the Comptroller in accordance with subsection (d) of this section is not liable under State law to any person for any:

- (1) disclosure of information to the Comptroller under this section; or
- (2) other action taken in good faith to comply with the requirements of this section.

(f) A financial institution furnishing a report to the Comptroller under this section is prohibited from disclosing to an obligor that the name of that obligor has been received from or furnished to the Comptroller.

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